

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3
4 In the Matter of

5 **LAVONT COOPER, M.D.**

6 Holder of License No. 17051
7 For the Practice of Medicine
8 In the State of Arizona

**CONSENT AGREEMENT TO
AMENDED BOARD ORDER**

8 Re:
9 S.J.K. (Pt. K.L.) v. LaVont Cooper, M.D.
10 (Inv. #1446)
P.M.H. v. LaVont Cooper, M.D. (Inv. #5874)
S.G. v. LaVont Cooper, M.D. (Inv. #7047)

11 **INTRODUCTION**

12 On April 24, 1996, the Arizona Board of Medical Examiners (Board) issued Findings
13 of Fact, Conclusions of Law and Order (hereafter "Board Order") regarding the above
14 case. That order suspended Dr. Cooper's license to practice medicine in Arizona until he
15 satisfactorily passed the Board Certification Examination in OB/GYN and completed 100
16 hours of category I Continuing Medical Education (CME) in general obstetrics approved by
17 the Board staff. Upon completion of these and other requirements, Dr. Cooper's license to
18 practice medicine would be reinstated and he would be placed on probation. The
19 OB/GYN Board will not allow a physician to take their certification examination while
20 suspended, therefore Dr. Cooper is unable to comply with the Board order.

21 **CONSENT AGREEMENT**

22 IT IS HEREBY AGREED by and between LaVont Cooper, M.D., holder of License
23 No. 17051, and the Arizona Board of Medical Examiners (Board), that the accompanying
24 Amended Board Order be entered in the above-entitled matter and be effective as of the
25 date issued.

1 Dr. Cooper acknowledges that any violation of this Consent Agreement constitutes
2 unprofessional conduct within A.R.S. § 32-1401(25)(r), and will result in his license being
3 automatically summarily suspended pursuant to A.R.S. § 32-1451(D). Alternatively, Dr.
4 Cooper may request cancellation of his Board license if he admits to misconduct and so
5 stipulates, pursuant to A.R.S. § 32-1433; however, the Board reserves the authority to
6 take disciplinary action and therefore not grant a requested cancellation of license.

7 In the event of Dr. Cooper's Board license being revoked or cancelled he agrees
8 that he will not reapply for a license for five (5) years from the date of cancellation.
9 Furthermore, by signing this Consent Agreement, Dr. Cooper waives and relinquishes any
10 right to appeal from or challenge this Order by initiating any type of administrative or
11 judicial review of this Order.

12 
13 LAVONT COOPER, M.D.

Dated: 04/13/00

14
15 **AMENDED BOARD ORDER**

16 1. Pursuant to the terms and conditions of this Consent Agreement, the Board's
17 previous Order (dated 4/24/96) in above referenced cases is amended as follows.

18 A. Paragraphs one (1) and two (2) of the Board's April 24, 1996 order are deleted.

19 B. Paragraph three (3) is amended to read "Dr. Cooper's license to practice
20 medicine in Arizona is reinstated under the following conditions:

21 C. A new Sub-section (a) under paragraph three (3) is inserted to read, "Dr. Cooper
22 shall be placed on probation with the following terms and conditions.

23 D. A new sub-section (b) under paragraph three (3) is inserted to read, "Prior to the
24 practice of medicine Dr. Cooper shall attend and successfully complete a nine-
25 month residency program in obstetrics and gynecology. Dr. Cooper shall receive

1 prior approval from Board staff for the residency program, and shall provide the
2 physician acting as his supervisor with a copy of this order. Dr. Cooper shall
3 ensure that copies of any interim progress reports and/or final program completion
4 reports and/or evaluations completed by the hospital staff and/or any physicians
5 who supervise him during the residency are provided to the Board. Dr. Cooper
6 shall pay any costs associated with this training program.

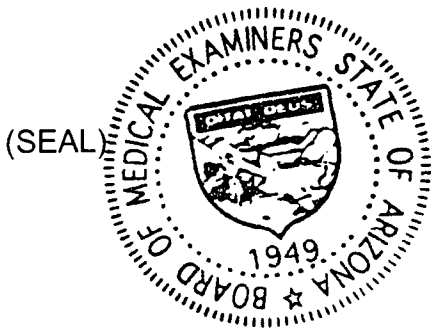
7 E. After completing the residency program Dr. Cooper shall meet with the Board
8 and obtain their affirmative approval to return to the practice of medicine.

9 F. Existing sub-sections (a), (b), (c) and (d) are re-identified as (c), (d) (e) and (f)
10 respectively.

11 2. Dr. Cooper shall remain on probation for at least one year, and shall continue
12 treatment with the Board approved psychiatrist, with quarterly reports to the Board, until
13 that provider determines further treatment is no longer necessary. Dr. Cooper may then
14 petition the Board to terminate his probationary status.

15
16 DATED and effective this 17th day of May, 2000.

17 BOARD OF MEDICAL EXAMINERS
18 OF THE STATE OF ARIZONA



20
21 By: Claudia Foutz
22 CLAUDIA FOUTZ
Executive Director

23 Original of the foregoing filed this
24 17th day of May, 2000, with:

25 The Arizona Board of Medical Examiners
1651 E. Morten, Suite 210
Phoenix, Arizona 85020

1 Copy of the foregoing mailed by Certified
2 Mail this 11th day of May, 2000, to:

3 Duane Olson
4 Attorney at Law
5 7243 North 16th Street
6 P.O. Box 47250
7 Phoenix AZ 85068-7250
8 Attorney for Dr. Cooper

9 Copy of the foregoing mailed
10 this 11th day of May, 2000, to:

11 LaVont Cooper, M.D.
12 1447 E. McDowell Road
13 Phoenix AZ 85006

14 Copy of the foregoing hand-delivered
15 this 11th day of May, 2000, to:

16 Michael N. Harrison
17 Assistant Attorney General
18 c/o Arizona Board of Medical Examiners
19 1651 E. Morten, Suite 210
20 Phoenix, Arizona 85020
21 Attorney for Board

22 
23 Board Operations

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)

LAVONT COOPER, M.D.)

Holder of License No. 17051)
For the Practice of Medicine)
In the State of Arizona)

Re: S.J.K. (Pt. K.L.) vs. LaVont Cooper, M.D.)
Cooper, M.D. (Inv. #1446))
P.M.H. vs. LaVont Cooper, M.D. (Inv. #5874))
SG vs. LaVont Cooper, M.D. (Inv. #7047))

**FINDINGS OF FACT,
CONCLUSIONS OF
LAW,
CONSENT ORDER
FOR SUSPENSION
AND PROBATION**

In confirmation of the consent agreement made between LAVONT L. COOPER, M.D., and the Board of Medical Examiners of the State of Arizona ("Board"), pursuant to A.R.S. § 41-1061(D):

IT IS HEREBY STIPULATED AND AGREED by and between LAVONT L. COOPER, M.D., holder of License No. 17051 for the practice of medicine in the State of Arizona, and the Board of Medical Examiners of the State of Arizona, that the following Findings of Fact and Conclusions of Law are true and accurate and that the following Order shall be entered thereon in the above-entitled matter and shall be deemed to be irrevocable and not subject to rehearing or review or to judicial review.

LAVONT L. COOPER, M.D., hereby freely and voluntarily admits for the purpose of obtaining this Agreement only, and in order to avoid the time and expense of protracted litigation, that he committed the acts of unprofessional conduct set forth in the following Findings of Fact and Conclusions of Law.

EXHIBIT

DR. COOPER voluntarily and affirmatively waives his right to a hearing pursuant to A.R.S. § 32-1451 and A.R.S. § 41-1061, et seq. on the charges pertaining herein.

LAVONT L. COOPER, M.D. hereby further admits that the Board of medical Examiners of the State of Arizona is the duly constituted authority for the regulation and control of the practice of medicine in the State of Arizona and that he is the holder of License No. 17051 for the practice of medicine in the State of Arizona.

It is further agreed and acknowledged that the following Order constitutes the total extent of disciplinary action that will be taken against LAVONT L. COOPER, M.D., for the cases of Phoenix Memorial Hospital vs. LAVONT L. COOPER, M.D. (Investigation No. 5874); FHP Inc. vs. LAVONT L. COOPER, M.D. (Investigation No. 7047) and K.L. vs. LAVONT L. COOPER, M.D. (Investigation No. 1446) by the Board of Medical Examiners for all known charges arising out of the Board of Medical Examiners' investigations into these matters.

Lavont L. Cooper M.D.
LaVont L. Cooper, M.D.

338-46-6113
Social Security Number

SUBSCRIBED AND SWORN to before me this 12th day of April, 1996.

Susan D. Warner
Notary Public

EX-100-111111-1, 11-11-11-1111

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By Mark R. Speicher
Mark R. Speicher
Executive Director

BOMEX

APR 12 1996

FINDINGS OF FACT

1. The Board of Medical Examiners of the State of Arizona is the duly constituted authority for the regulation and control of the practice of medicine in the State of Arizona.

2. LAVONT L. COOPER, M.D., is the holder of License No. 17051 for the practice of medicine in the State of Arizona.

3. On or about July 31, 1990, DR. COOPER and the Board stipulated to the entry of the following Order:

IT IS HEREBY ORDERED that LAVONT L. COOPER, M.D. will perform no examination of any kind, including but not limited to pelvic or breast examination, of any female patient without the presence of a female attendant. DR. COOPER shall cause the attendant to initial each patient's chart indicating the presence of the attendant during each examination.

4. DR. COOPER has not adhered to the requirement to have a female attendant initial the patient's hospital chart indicating the presence of an attendant during each female patient examination at Phoenix Memorial Hospital.

5. On or about April 19, 1993, the Board received information that the medical Executive Committee of Phoenix Memorial Hospital had summarily suspended the clinical privileges of DR. COOPER for a period of time not to exceed thirty (30) days. The summary suspension was based in part on DR. COOPER's care and treatment of the following patients:

(a) PATIENT I.R., a 21-year old female, was admitted to labor and delivery on or about April 13, 1992, after suffering a sharp pain. DR. COOPER could not detect fetal heart tones and as a result, performed a bedside ultrasound examination, which indicated fetal demise. DR. COOPER ordered a further

ultrasound to be performed by Dr. Spitzer, who reported no evidence of fetal heart motion or fetal activity. nevertheless, the patient was allowed to labor for six to seven hours, at which time, labor was stimulated by Pitocin. The patient had significant hemorrhage following delivery and was taken to the Intensive Care Unit for further monitoring and therapy and sustained a cardiopulmonary arrest. The patient was successfully resuscitated. DR. COOPER did not order any laboratory tests throughout the patient's labor nor did he consider placental abruption as the cause for the fetal demise. DR. COOPER did not follow-up on the ultrasound examination by Dr. Spitzer.

(b) Patient D.H. delivered in route to the hospital in an ambulance. DR. COOPER saw the patient when she was admitted and noted that there was no vaginal, cervical or rectal lacerations. Approximately an hour later, the patient's regular obstetrician examined her and found a second degree deep vaginal laceration with bleeding and bilateral periuterine laceration with moderate bleeding, and these were repaired.

6. On or about March 5, 1990, patient K.L. was admitted to Phoenix Memorial Hospital at 39 weeks gestation. DR. COOPER assumed management of the patient since her regular physician was going out of town. At 0650 hours, DR. COOPER was informed that the patient was in labor. He gave orders for her to be observed for one hour and if there was no change or any problems, she could be returned home. At approximately 0820 hours, DR. COOPER was informed that "the strip was fair". He gave orders to hydrate the patient and to eat a regular diet. He also ordered an OCT nipple stimulation to be performed. at 0950 hours, DR. COOPER was paged to inform him of the results of the OCT nipple stimulation test. He did not respond to that page. At 1010 hours, DR. COOPER was paged a second time. Finally, at 1020 hours, DR. COOPER spoke with the nurses who informed him that the OCT nipple stimulation showed

BOMEX

variable decelerations with questionable late decelerations in the absence of contractions with the loss of long term viability. Arrangements were made for cesarean section. At 1110 hours, the fetal hear tones were down to 90. DR. COOPER was informed and said he was on his way in. At 11:18, they were unable to obtain the fetal heart tones and at 11:33, DR. COOPER was there and the cesarean section performed. The female infant was brain damaged and died at approximately eighteen (18) months of age. Under the circumstances of this case, DR. COOPER should have come in to evaluate the patient, certainly at the time of the nurse's phone call at 0950 hours after the negative contraction stress test with the ominous tracing.

7. In June, 1995, DR. COOPER sat for the American Board of Obstetrics and Gynecology Certification Examination, but failed the examination with a score of 66. At the time, DR. COOPER was severely clinically depressed and under the care of Dr. John Zell, a psychiatrist. DR. COOPER was taking Xanax t.i.d.; Prozac, t.i.d.; Verapamil, b.i.d.; Cordora daily; Trazodone, 50mg daily; and Restoril at night for sleep. From beginning about July 27, 1995, DR. COOPER was actually hospitalized at Good Samaritan Behavioral health Center in Scottsdale for clinical depression, but has since been discharged.

CONCLUSIONS OF LAW

1. The Board of Medical Examiners of the State of Arizona possesses jurisdiction over the subject matter hereof and over LAVONT COOPER, M.D.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-14051(25)(e) (failing or refusing to maintain adequate records on a patient or failing or refusing to make such

BOMEX
JUN 28 1995

records promptly available to another physician upon request and receipt of proper authorization.

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) (any conduct or practice which is or might be harmful or dangerous to the health of the patient or the public).

ORDER

Pursuant to the forgoing Consent Agreement, Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED:

1. Effective May 1, 1996, DR. COOPER's license to practice medicine in the State of Arizona shall be suspended. The suspension shall remain in effect until the Board receives notice that DR. COOPER has taken and passed the Board Certification Examination in OB/GYN. in compliance with paragraph 2, of this Order.

2. DR. COOPER's license shall remain suspended until:

(a) DR. COOPER takes and passes the Board Certification Examination in OB/GYN with a passing score when the exam is given in June, 1997.

(b) DR. COOPER shall obtain a sole treating psychiatrist and shall submit the name of the psychiatrist to Board staff in writing for approval.

DR. COOPER shall inform the approved treating psychiatrist of this Order ^{MRS} ~~efforts~~ and provide a copy of this Order to that physician.

(c) DR. COOPER shall instruct the approved psychiatrist to release to the Board of Medical Examiners, upon its request, all records relating to Physician's treatment, and to submit quarterly reports to the Board of Medical Examiners regarding diagnosis, prognosis and recommendation for continuing care, treatment and supervision. The reports shall be submitted on or before the

15th day of March, June, September and December of each year, beginning on or before the 15th day of June, 1996.

(d) DR. COOPER shall successfully complete 100 hours, category I Continuing Medical Education (CME) in general obstetrics approved by Board staff (in addition to those CME requirements for annual renewals).

(e) DR. COOPER shall obey all federal, state and local laws, and all rules governing the practice of medicine in the State of Arizona.

3. If DR. COOPER complies in all respects with paragraph 2 of this Order, the Board shall enter an Order at the next regularly scheduled Board meeting after documentation of such compliance terminating the suspension imposed in paragraph 1 of this Order. Thereafter, DR. COOPER shall be placed on probation with the following terms and conditions:

(a) DR. COOPER shall obtain a sole treating psychiatrist and shall submit the name of the psychiatrist to Board staff in writing for approval. DR. COOPER shall inform the approved treating psychiatrist of this Order efforts and provide a copy of this Order to that physician.

(b) DR. COOPER shall instruct the approved psychiatrist to release to the Board of Medical Examiners, upon its request, all records relating to Physician's treatment, and to submit quarterly reports to the Board of medical Examiners regarding diagnosis, prognosis and recommendation for continuing care, treatment and supervision. The reports shall be submitted on or before the 15th day of March, June, September, and December of each year.

(c) DR. COOPER shall submit to any medical and mental health care and treatment ordered by the Board.

(d) DR. COOPER shall appear in person before the Board for interviews upon request, upon reasonable notice. DR. COOPER shall immediately notify the Board in writing of any change in office or home addresses and telephone numbers. DR. COOPER shall notify Board staff in writing of any plans to be away from office or home for more than five (5) consecutive days.

DATED this 24 day of April, 1996.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

[SEAL]

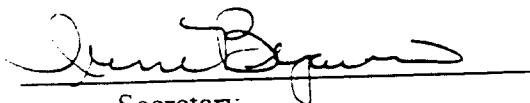
By 
Mark R. Speicher
Executive Director

COPY of the foregoing Findings of Fact,
Conclusions of Law and Consent Order
for Suspension and Probation mailed by
Certified Mail this 24th day of April, 1996
to:

LaVont Cooper, M.D.
1447 E. McDowell Road
Phoenix, AZ 85006

COPY of the foregoing Findings of Fact,
Conclusions of Law and Consent Order
for Suspension and Probation mailed this
24th day of April, 1996 to:

Duane Olson, Esq.
WEYL, GUYER, MACBAN & OLSON, P.A.
7243 N. 16th Street
P.O. Box 47250
Phoenix, AZ 85068-7250


Secretary